



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

REVISION: This revised directive supersedes TSA MD 300.16, *Interagency Agreements*, dated September 2, 2009.

SUMMARY OF CHANGES: Section 4, Definitions and Section 5, Responsibilities, updated; Section 6, Policy, revised, actions other than interagency agreements that require assisted acquisitions (from execution by Contracting Officers), the Department has determined that such actions are not required to be processed by Contracting Officers and Section 7, Procedures, revised, only interagency agreements involving interagency acquisition are now processed by the Office of Acquisition.

- 1. PURPOSE:** This directive provides TSA policy and procedure for establishing funded interagency agreements (IAs) for assisted acquisition. Additional discussion herein about interagency financial transactions (also known as “reimbursable agreements”) as well as unfunded memoranda of agreement and memoranda of understanding is included so that originators can distinguish and process these actions (that are not interagency agreements for assisted acquisition) according to applicable guidance specifically for them (which is not included here and not within the scope of this specific directive).
- 2. SCOPE:** This directive applies to all TSA organizational elements.
- 3. AUTHORITIES:**
 - A. The Aviation and Transportation Security Act (ATSA), Public Law 107-71, especially 49 U.S.C. § 114(m), which provides the Administrator with the authority of 49 U.S.C. §106(l) and (m)
 - B. The Economy Act, 31 U.S.C. §1535 & 1536
 - C. Office of Federal Procurement Policy, *Improving the Management and Use of Interagency Acquisitions*, June 2008
 - D. *DHS Office of the Chief Procurement Officer (OCPO) Interagency Acquisitions Guide*
- 4. DEFINITIONS:**
 - A. Assisted Acquisition Interagency Agreements: In an assisted acquisition, the servicing agency and requesting agency enter into an interagency agreement pursuant to which the servicing agency performs acquisition activities on the requesting agency’s behalf, such as awarding a contract, task order, or delivery order. In many assisted acquisitions, the servicing agency also manages the Indefinite Delivery Contract Vehicle (IDV) against which orders are placed. For example, the General Services Administration’s Federal Acquisition Service will typically place orders against a MAS contract or a GWAC on behalf of its requesting agencies. Sometimes, a servicing agency may find that another agency’s IDV can better serve the requesting agency’s needs, in which case two servicing agencies would be involved in the interagency acquisition.

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- B. Authorized Official: Official who has responsibility to sign and execute an Interagency Agreement (IA). See Section 5 for the specific Authorized Officials.
- C. Best Interest of the Government: A determination made by the Program Office that the use of resources, as compared to known program priorities and alternative methods for attaining them, represents the most promising method to achieve the objective, considering the cost to benefit relationship.
- D. Contracting Officer's Representative (COR): An employee appointed in writing by a Contracting Officer to perform designated contract administration activities in regards to technical issues.
- E. Competition Advocate: The TSA official responsible for promoting full and open competition in contracting and the use of commercial, performance-based product and service specifications and who likewise challenges barriers to competition represented by unduly restrictive product specifications or procurement plans that do not provide for full and open competition.
- F. Direct Acquisition: In a direct acquisition, the requesting agency places an order directly against the servicing agency's indefinite delivery type contract vehicle. The servicing agency manages the indefinite delivery contract but does not participate in the placement of an order.
- G. Full and Open Competition: When used with respect to contract actions, the result when all responsible sources are permitted to compete.
- H. Interagency Financial Transactions: Another term for Reimbursable Agreement.
- I. Memorandum of Agreement (MOA): A type of unfunded agreement that describes in detail the specific responsibilities of, and actions to be taken by, each of the parties so that their goals may be accomplished. An MOA may also indicate the goals of the parties, to help explain their actions and responsibilities. If an MOA is intended as the preliminary method for two agencies to define a relationship that will lead to the exchange of funding, that funding must be provided under a properly executed interagency financial transaction.
- J. Memorandum of Understanding (MOU): A type of unfunded agreement that describes very broad concepts of mutual understanding, goals and plans shared by the parties.
- K. Program Office: The office that has specific delineated authority over a common, interrelated set of projects intended to meet specified objectives within a distinct functional area.
- L. Reimbursable Agreement: Funded interagency financial agreements with a Servicing Agency that does not involve an assisted acquisition, wherein the agreements may include direct performance by the Servicing Agency, otherwise termed as a "reimbursable agreement." Any contracting work performed by the Servicing Agency on behalf of this agreement is purely incidental. As written in the DHS OCPO Interagency Acquisition Guide dated July 2013 on page 5, footnote 5: "If the servicing agency's own personnel are providing work for the requesting agency, and the servicing agency is using contractor assistance, this is a financial transaction, not an interagency acquisition. This is because the requesting agency is not directly receiving contractor services. DHS considers this situation excluded from interagency acquisition coverage under FAR 17.500(c)(1) because contracting is incidental to the purpose of the transaction."

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- M. Requesting Agency: The entity or one of its major organizational units that requests performance from a Servicing Agency under the terms and conditions of an IA.
- N. Requiring Activity: The program office within the TSA that develops and maintains the technical requirement for a specified acquisition.
- O. Servicing Agency: The entity or one of its major organizational units that provides performance to a Requesting Agency under the terms and conditions of an IA.
- P. Unassisted Acquisition-related Interagency Financial Transactions: This is another term for Reimbursable Agreement.

5. RESPONSIBILITIES:

- A. Assistant Administrators, or equivalents, are responsible for executing MOAs or MOUs.
- B. Assistant Administrator for Acquisition is responsible for monitoring TSA compliance within overarching Federal government acquisition policy and reviewing appeals of disapprovals of proposed Assisted Acquisitions IAs.
- C. The Head of the Contracting Activity is responsible for determining whether timely execution and contract award is possible in deciding to approve or disapprove an incoming IA involving assisted acquisition where TSA would be the Servicing Agency and serving as the approving official, via an action memorandum submitted by the requiring activity to the Office of Acquisition for proposed IAs for assisted acquisition in excess of \$500,000, where TSA is the Requesting Agency (where such agreement is not already discussed in an approved Acquisition Plan) and as the approving official for IAs for assisted acquisition where TSA is intended to be the Servicing Agency.
- D. Assistant Administrator for Finance and Administration/Chief Financial Officer (CFO) is responsible for:
 - (1) Ensuring TSA adherence to the requirements of the appropriate legal, budgetary and financial authorities for IAs.
 - (2) Serving as TSA's Authorized Official of all Interagency Financial Transactions (reimbursable agreements).
- E. Contracting Officers are responsible for:
 - (1) Monitoring and ensuring TSA compliance with policy and procedures pertaining to the issuance of IAs for Assisted Acquisitions.
 - (2) Conducting procurement planning conferences with assigned Program Offices to identify all planned interagency acquisitions involving Assisted Acquisitions.
 - (3) Serving as the authorized official and issuing IAs for assisted acquisitions.

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- (4) Preparing and executing written determinations and findings, in consultation with Office of Chief Counsel (OCC), citing specific legal authority for entering into a particular IA for assisted acquisition.
 - (5) Obtaining OCC review prior to executing all IAs for assisted acquisitions.
 - (6) Appointing a Contracting Officer's Representative (COR) for the IA following the guidance provided in TSA MD 300.9, [Appointment and Training of Contracting Officer's Technical Representatives](#).
- F. OCC is responsible for providing legal counsel and guidance on all IAs, including appropriate review and determinations of specific legal authority and for interagency financial transactions when requested.
- G. Program Managers are responsible for:
- (1) Ensuring compliance with this directive.
 - (2) Conducting acquisition and/or task planning, and analyzing alternatives to execute a "best procurement approach" determination.
 - (3) Participating in procurement planning conferences for all IAs involving assisted acquisition.
 - (4) Articulating requirements to be fulfilled in a proposed IA and preparing all required documentation to support the IA, including the submission of the request in the attachment to the Office of Acquisition.
 - (5) Determining, via thorough market research and conclusive discussions with the prospective Servicing Agency, when an "assisted acquisition" is contemplated, whether an IA requires assisted acquisition or whether their requirement strictly bears the characteristics of an interagency financial transaction, (or other agreement type other than an interagency agreement or interagency financial transaction) and for routing such requirement respectively to the Office of Acquisition or to the Office of Finance and Administration for final processing.
 - (6) Engaging technical management of the IA in order to ensure the intended results are achieved.
 - (7) Nominating, to the Contracting Officer, a subject matter expert to serve as COR, following the guidance provided in TSA MD 300.9, for IAs involving assisted acquisition and for appointing technical monitors as may be required for other interagency financial transactions in accordance with those specified procedures.
 - (8) For reviewing and approving all Memoranda of Agreement and Memoranda of Understanding that affect their assigned programs.

6. POLICY:

- A. All Interagency Agreement Assisted Acquisitions shall be processed pursuant to the *DHS Interagency Acquisitions Guide*. Pursuant to DHS guidance, an IA must cite a statute upon which the agreement is based, and each IA may rely upon only one statute. In the rare instances in which it is not feasible for TSA to cite 49 U.S.C. § 114(m), Aviation and Transportation Security Act (ATSA) as authority for an

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interagency agreement, the Economy Act, 31 U.S.C. §1535 and §1536 may be cited. In such instances, it is recommended that ATSA and the Economy Act be cited together. According to FAR Sub-part 17.5, the Economy Act applies to interagency acquisitions when more specific statutory authority does not exist, such as ATSA, which is generally applicable to TSA.

- B. Program Offices shall request assistance from the Office of Finance and Administration to execute each required reimbursable agreement. The CFO shall ensure TSA has established sufficient reimbursable authority with the Office of Management and Budget.
- C. All interagency agreements awarded by the Office of Acquisition prior to the commencement of Fiscal Year 2015 shall be retained by the Office of Acquisition for administration purposes until such agreements are completed and closed out. The requirement for a one-year period of performance, or the annual review of interagency agreements intended to extend beyond one year still applies. While the Office of Acquisition will retain authority for administration until the end of the stated period of performance, no previously awarded interagency agreement bearing the characteristics of a reimbursable agreement shall be extended. Accordingly, Contracting Officers should advise program offices how to transition existing agreements for execution into reimbursable agreements where the program office identifies such requirement exceeding the one-year period of performance.

7. PROCEDURES:

- A. Distinguishing Between Interagency Agreements for Assisted Acquisition and Interagency Financial Transactions.
 - (1) Basic Definitions. There are two types of interagency acquisitions: direct acquisitions and assisted acquisitions.
 - (a) Direct Acquisition: In a direct acquisition, the requesting agency places an order directly against the servicing agency's indefinite delivery type contract vehicle (IDV). The servicing agency manages the IDV but does not participate in the placement of an order.
 - (b) Interagency Agreement for Assisted Acquisition. In an assisted acquisition, the servicing agency and requesting agency enter into an interagency agreement, pursuant to which the servicing agency performs acquisition activities on the requesting agency's behalf, such as awarding a contract, task order, or delivery order. In many assisted acquisitions, the servicing agency also manages the IDV against which orders are placed. For example, the General Services Administration's Federal Acquisition Service will typically place orders against a Multiple Award Schedule contract or a Government-Wide Acquisition Contract on behalf of its requesting agencies. Sometimes, a servicing agency may find that another agency's IDV can better serve the requesting agency's needs, in which case two servicing agencies would be involved in the interagency acquisition.
 - (2) Considerations of requesting and servicing agency roles in interagency acquisition. In an interagency agreement for assisted acquisition, it is expected that the requesting agency explicitly identify in the work statement to the servicing agency exactly what type of contract acquisition is required as the key portion of the agreement. Other key indicators that may provide interpretive support for this type of agreement is for the requesting agency's specification of exact goods and services in terms of commercial product descriptions, specific commercial labor categories, and other performance-based characteristics suitable for a contract, along with specified evaluation

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factors. Indeed, one ought to see virtually the same kinds of supporting documentation for this type of assisted acquisition interagency agreement that one would see with a regular Procurement Request. In the case of a reimbursable agreement, there would likely be a work statement, but it would be focused on government items and the kinds of personnel series for performance that one would see in a government agency. Table 2 provides a diagnostic tool to identify the process for determining whether a requirement is an interagency agreement for assisted acquisition or a reimbursable agreement and where to send each, respectively.

- (3) Illustrative examples. One hypothetical example that might help to provide illustration that could be applied to interpretive activities of work types and styles of the two respective agreement types follows: Imagine that a requesting agency asks TSA (as a servicing agency) to directly purchase screening systems from TSA's contracts for that other agency's use. That would be an interagency agreement for assisted acquisition. A contrasting example of a reimbursable agreement is if a requesting agency would ask TSA to provide a specified number of TSA screening officers (assuming they are available for such) for a specified screening-related task, for a specified period, and TSA would do so as a servicing agency where the costs for the screeners was paid by the requesting agency to TSA,. Another example of a reimbursable agreement would be where a federal agency provides services to another federal agency (like the US Department of Agriculture's National Finance Center provides many federal agencies' payroll service operations) in a manner substantially similar to the way they provide this service for their own operations, where the operation by the servicing agency includes service contractor employees.

B. Preparation and Submission of Interagency Agreements Requiring Assisted Acquisition. All IAs shall follow the requirements outlined in the *DHS Interagency Acquisition Guide*.

C. Review and Approval.

- (1) OCC will review and clear IAs for legal sufficiency prior to processing and for reimbursable agreements, as requested in accordance with the specific procedures for processing reimbursable agreements.
- (2) The Office of Acquisition will confirm legal clearance and determine whether timely execution and award is possible in deciding to approve or disapprove IAs for assisted acquisition. The Office of Acquisition will notify CORs.

8. EFFECTIVE DATE AND IMPLEMENTATION: This policy is effective immediately upon signature unless otherwise specified.

APPROVAL

Signed

June 15, 2015

Latetia M. Henderson
Assistant Administrator for Acquisition

Date

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EFFECTIVE

Date

Distribution: All TSA Offices

Point-of-Contact: Office of Acquisition, Policy and Oversight Division,
TSAProcurementPolicy@tsa.dhs.gov

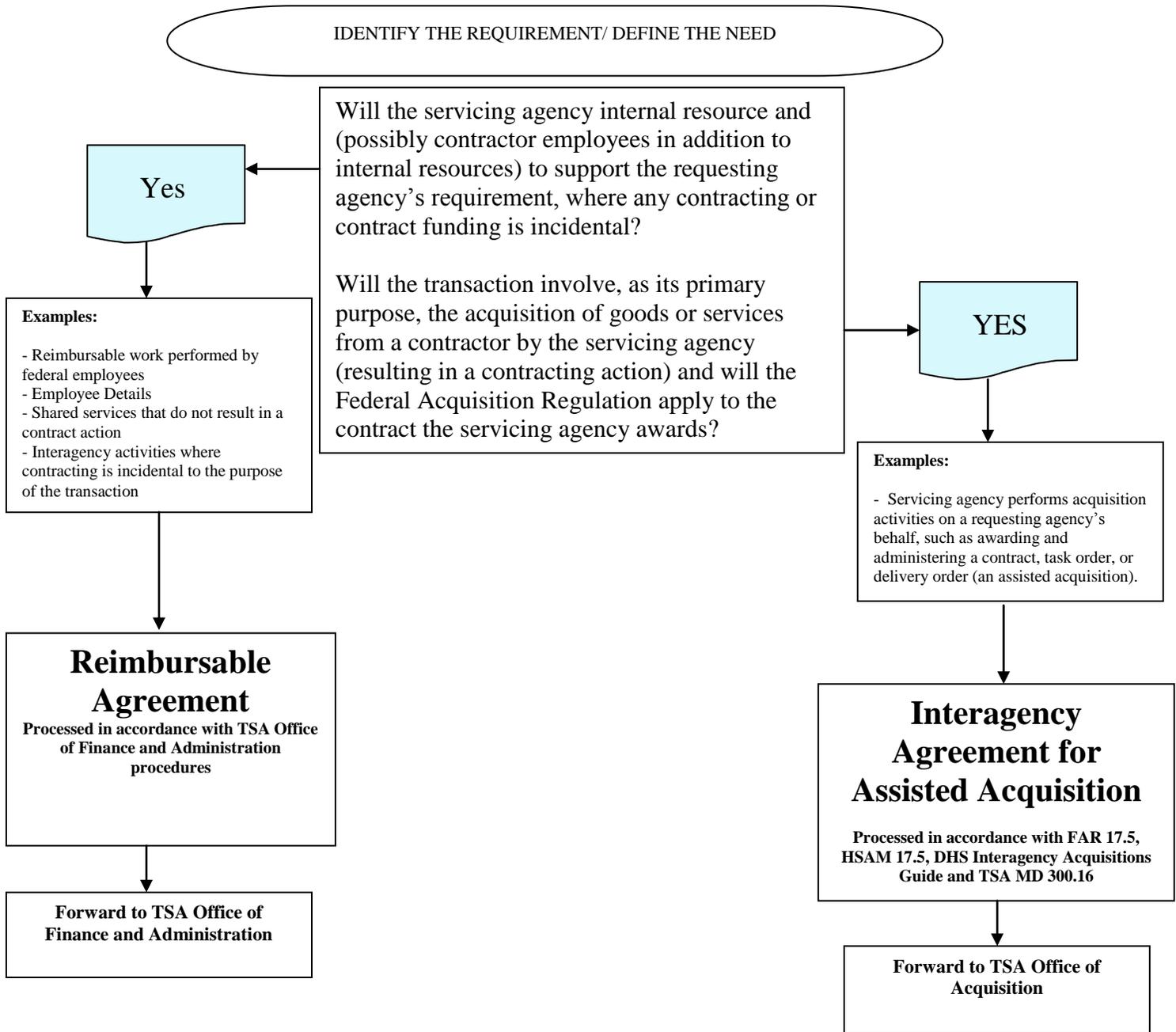
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ATTACHMENT A

Table 1: Coordination and Execution Chart

Action	Program Office	Office of Acquisition	Chief Financial Officer	Office of Chief Counsel
TSA is Requesting Agency for an IA involving assisted acquisition	Coordination Required	Executes all IAs in this category for TSA	Coordination required specifically for funds obligation	Reviews IA for legal sufficiency
TSA is Servicing Agency for an IA involving assisted acquisition	Coordination Required	Approval of IA, prior to acceptance by TSA	Coordination required for receipt of funds from requesting agency	Reviews IA for legal sufficiency
TSA is modifying an interagency agreement for assisted acquisition issued by the Office of Acquisition. Note that period of performance extensions for agreements awarded prior to FY15 are prohibited.	Coordination required	Approves and executes all modifications in this category	Coordination required for funding purposes	Reviews proposed modification for legal sufficiency
TSA is initiating an interagency financial transaction (reimbursable agreement) with another agency	Coordination and approval required	Not applicable—Office of Acquisition has no role in these agreements	Approves and executes all reimbursable agreements, unless authority is otherwise specifically delegated	Reviews for legal sufficiency upon CFO request
TSA is modifying a reimbursable agreement with another agency	Coordination and approval required	Not applicable—Office of Acquisition has no role in these agreements	Approves and executes all reimbursable agreement modifications, unless authority is otherwise specifically delegated	Reviews for legal sufficiency upon CFO request
Memorandum of Agreement or Memorandum of Understanding (unfunded IAs)	Executes all IAs in this category for TSA following coordination	Coordination required if future TSA contracts will be awarded as a consequence of the agreement.	Coordination required if funding is needed for new TSA contract work or agreement will lead to a funded IA	Coordination required for legal sufficiency

**Table 2: Process Flow Chart
Determining the Difference between a Reimbursable Agreement and an
Interagency Acquisition for Assisted Acquisition**



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Attachment B

U.S. Department of Homeland Security
Arlington, VA 20598-6016



**Transportation
Security
Administration**

ACTION

MEMORANDUM FOR: Ronald B. Gallihugh
Deputy Assistant Administrator for Acquisition
Head of the Contracting Activity

FROM: (NAME OF ASSISTANT ADMINISTRATOR)
Assistant Administrator for (ENTER NAME OF SPECIFIC TSA
OFFICE)

SUBJECT: Request for issuance of Interagency Agreement for Assisted Acquisition

Purpose

The purpose of this memorandum is to request the Office of Acquisition to issue an interagency agreement for assisted acquisition. The interagency agreement will require the (ENTER NAME OF SERVICING AGENCY) as the servicing agency under this agreement to award a contract for (ENTER DESCRIPTION OF CONTRACT REQUIREMENT). (OR INDICATE IF THIS REQUIREMENT IS FOR THE TSA TO ACT AS THE "SERVICING AGENCY" UNDER AN INTERAGENCY AGREEMENT FOR ASSISTED ACQUISITION AND CONSEQUENTLY FOR THE OFFICE OF ACQUISITION TO AWARD A CONTRACT AS A REQUIREMENT OF SUCH AGREEMENT).

Background

(PROVIDE BACKGROUND INFORMATION ABOUT THE PROGRAM'S REQUIREMENTS FOR THE SPECIFIC INTERAGENCY AGREEMENT FOR ASSISTED ACQUISITION)

Discussion

(THIS SECTION SHOULD DISCUSS THE SPECIFIC CONTRACTING REQUIREMENT, PROVIDE AN ESTIMATE OF THE DOLLAR AMOUNT NEEDED FOR THE AWARD, AND THE EXPECTED DURATION OF THE CONTRACT, AS WELL AS IDENTIFY THE EXPECTED DATE OF ISSUANCE OF THE PROCUREMENT REQUEST)

Recommendation

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The Office of Acquisition is requested to award an interagency agreement for assisted acquisition as described.

Approval/Disapproval

The request as described herein is:

APPROVED: _____

DATE: _____

SIGNATURE: _____

DISAPPROVED (CITE REASON): _____

DATE: _____